

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 3:12-CR-374-N
	§	
GLEN MURRAY MCDONALD (1)	§	

FACTUAL RESUME

Glen Murray McDonald, the defendant, Sam Adamo, the defendant's attorney, and the United States of America agree that the following accurately states the elements of the offenses and the relevant facts to support the defendant's pleas of guilty.

ELEMENTS OF THE OFFENSES

In order to establish the crime of trafficking in contraband cigarettes, in violation of 18 U.S.C. § 2342(a), as set out in Count One of the indictment, the government must prove the following elements beyond a reasonable doubt:

- First:* That the defendant, knowingly possessed a certain quantity of cigarettes or smokeless tobacco; and,
- Second:* That the quantity of cigarettes was more than 10,000 cigarettes which bore no valid tax stamp required by state or local law.¹

In order to establish the crime of receiving counterfeit securities, in violation of 18 U.S.C. § 2315, as set out in Count Two of the indictment, the government must prove the following elements beyond a reasonable doubt:

¹ United States v. Morrison, 686 F.3d 94, 98 (2nd Cir. 2012).

- First:* The defendant received, possessed, concealed, stored, bartered, sold, or disposed of, tax stamps;
- Second:* The tax stamps had been falsely made, forged, altered, or counterfeited and the defendant knew the tax stamps had been falsely made, forged, altered or counterfeited; and
- Third:* At the time the tax stamps were received, concealed, stored, bartered, sold, or disposed of; they were moving as, were a part of, or constituted interstate or foreign commerce.²

STIPULATED FACTS

On or about April 10, 2012, McDonald met with an undercover ATF agent in the City of Euless, which is in the Northern District of Texas, and purchased 13,320 cartons of contraband cigarettes for a cost of \$427,450 in United States currency and 50 kilograms of synthetic marijuana valued at \$35,000. This transaction resulted in a tax loss of \$187,812 to the State of Texas. McDonald admits that on April 10, 2012, he knowingly possessed more than 10,000 cigarettes which bore no valid tax stamp as required by state or local law.

McDonald obtained at least \$187,812 in proceeds from the offense alleged in Count One. McDonald, however, may no longer be in possession of some or all of the \$187,812 and because of his own acts or omissions, some or all of the \$187,812 may have been transferred, sold to, or deposited with a third party, or has been commingled with other property that cannot be divided without difficulty and excessive expense.

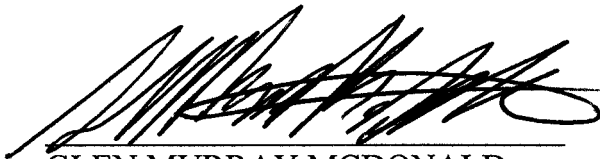
McDonald further admits that on or about April 10, 2012, he also received and possessed approximately 133,320 counterfeit State of Texas tax stamps. He further stipulates that he knowingly possessed approximately 130,320 forged State of Texas tax

² Pattern Crim. Jury Instr. 7th Cir. 18 U.S.C. § 2315 (1998).

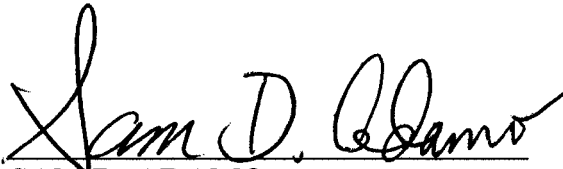
stamps, knowing the stamps to have been falsely made and counterfeited, and that these stamps were a part of interstate commerce.

This factual resume is not intended to be a complete accounting of all of the facts and events related to the offenses charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support McDonald's plea of guilty to Count One and Count Two set forth in the indictment.

AGREED TO AND SIGNED this 7th day of August, 2013.



GLEN MURRAY MCDONALD
Defendant

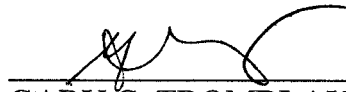


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